

**FOURTH DAY.**

Senate Chamber,  
Austin, Texas,  
January 16, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering their names:

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Parr.
Cunningham	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodruff.

Absent—Excused.

Greer.	Small.
Patton.	Woodward.
Pollard.	

Prayer by the Chaplain .

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Bills and Resolutions.**

By Senator Parrish:

S. B. No. 28, A bill to be entitled "An Act repealing Article 4604-B and Article 4604-C. Chapter 114, Acts of the Regular Session of the Forty-first Legislature, relating to the filing of an application for license to marry, and for the production of a certificate from a licensed physician, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

**Senators Excused.**

On motion of Senator Parrish, Senators Small and Patton were ex-

cused for the day on account of important business.

**Motion to Mimeograph Bill.**

On motion of Senator Moore, S. B. No. 8 was ordered mimeographed.

**Simple Resolution No. 6.**

Senator Martin sent up the following resolution:

Resolved by the Senate of Texas, 42nd Legislature, that the Secretary of State be authorized and requested to lend to the Members of said Body copies of the Revised Statutes of 1925, also copies of Session Laws for their use during this Session, same to be returned to the Secretary of State's Office upon or before adjournment.

WOODUL,	HOLBROOK,
MARTIN,	STEVENSON,
ONEAL,	THOMASON,
PARR,	WILLIAMSON,
BECK,	BERKELEY.

Read and adopted.

**At Ease.**

At 10:10 o'clock, the Senate stood at ease subject to the call of the Chair.

**Messages from the House .**

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, Jan. 16, 1931,  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

By DeWolfe and Metcalfe:

H. B. No. 1, A bill to be entitled "An Act repealing Article 6818 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

By DeWolfe:

H. B. No. 19, A bill to be entitled "An Act amending Article 6824 of the Revised Civil Statutes of 1925, and declaring an emergency."

By Senator Beck:

S. B. No. 12, A bill to be entitled "An Act making an appropriation of

the sum of Fifty Thousand Dollars, or so much thereof as may be necessary, out of the General Revenue of the State of Texas, etc., and declaring an emergency."

By Senator Beck:

S. B. No. 11, as amended, A bill to be entitled

"An Act fixing the per diem and mileage of members of the Legislature, etc., and declaring an emergency."

H. C. R. No. 6, Providing for the salaries and per diem of the members.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,  
Austin, Texas, Jan. 15, 1931.  
To the members of the Forty-second Legislature:

Some of your members have advised me that points will be urged touching your right to pass the mileage and per diem bill and make the existing statutes conform to the provisions of the recent amendment to the Constitution unless that subject has been submitted for your consideration.

As stated in my message this morning, I do not propose to trespass upon the preserves of my successor by submitting subjects to you under the new amendment, but I know that no objection could be urged by anyone to the submission of this subject for your consideration, and I am sure that my successor concurs with me in the thought that the laborer is worthy of his hire and that you are entitled to your mileage and per diem.

Therefore, the subject of passing the mileage and per diem bill at the Regular Session of the Forty-second Legislature and adjusting all statutes fixing the compensation of members of the Legislature to conform to the recently adopted constitutional amendment is declared to be an emergency and is submitted for your consideration.

Respectfully submitted,  
DAN MOODY.

#### House Bills Referred.

H. B. No. 1 referred to Committee on Finance.

H. B. No. 19 referred to Committee on Finance.

#### Motion to Concur.

Senator Beck moved to concur in the House amendment to S. B. No. 11. The motion was adopted by the following vote:

Yeas—25.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Cousins.	Pollard.
Greer.	Small.
Patton.	Woodward.

#### H. C. R. No. 6.

The Chair laid before the Senate: H. C. R. No. 6, Fixing the mileage and per diem of members of the Legislature.

Read and adopted by the following vote:

Yeas—25.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Cousins.	Pollard.
Greer.	Small.
Patton.	Woodward.

**At Ease.**

At 10:50, the Senate stood at ease subject to the call of the Chair.

**Message from the Governor.**

Senate Chamber,  
Austin, Texas, Jan. 16, 1931.  
To Honorable Dan Moody,  
Governor of Texas,  
Capitol.

Dear Sir:

I herewith submit to you for immediate appointment as Notary Public in and for Harris County, Texas, at this the Regular Session of the Forty-second Legislature, the names of:

E. F. Stroter, 324 Post Dispatch Bldg, Houston Texas; R. A. Harrold, 1603 Conti St., Houston, Texas; Mrs. E. M. Thomason, 6222 Washington Ave., Houston, Texas.

The above are appointed notaries public for Harris County.

DAN MOODY.

Read and referred to Committee on Governor's Nominations.

Austin, Texas, Jan. 14, 1931.  
To the Senate of the Forty-second Legislature.  
Gentlemen:

Subject to your confirmation I have made the following recess appointments since the adjournment of the Forty-first Legislature, and I herewith submit them to you for your official attention, viz:

**Court of Criminal Appeals  
Commission.**

Hon. Geo. E. Christian, of Burnet, to succeed the Hon. A. B. Martin, resigned, and term to expire on July 1, 1935.

Hon. Geo. Calhoun, of Travis County, to succeed to the term of Hon. Geo. E. Christian, resigned, term to expire on July 1, 1933.

**State's Prosecuting Attorney.**

Hon. Lloyd Davidson of Hopkins County, to succeed Hon. A. A. Dawson.

**District Judge.**

Judicial District No. 2—Hon. C. E. Brazil of Lufkin, Texas, to succeed the Hon. J. W. Bates, deceased.

No. 8—Hon. L. L. Bowman of Hunt County to succeed the Hon. Grover Sellers, resigned. No. 39—Hon. Clyde Grissom, of Haskell County, to succeed the Hon. Bruce Bryant, resigned. No. 51—Hon. J. F. Sutton, of Tom Green County, to succeed the Hon. J. P. Hill, resigned. No. 53—Hon. C. A. Wheeler, of Travis County, to succeed Hon. Geo. Calhoun, resigned. No. 114—Hon. Clifford Braly, of Pampa, Texas, (Newly created District.) No. 116—Hon. Robt. B. Allen, Sr., of Dallas County, (Newly created District.) No. 117—Hon. Birge Holt, of Nueces County. (Newly created District.)

**District Attorney.**

Judicial District No. 31—Hon. C. G. Engledown of Pampa, Texas, to succeed Hon. Clifford Braly, resigned. No. 37—Hon. Walter Tynan, of Bexar County, to succeed Hon. Lamar Seelingson, resigned. No. 39—Hon. Henry Grinstaff, of Stonewall County, to succeed Hon. Clyde Grissom, resigned. No. 81—Hon. L. Morgan Williams, of Atascosa County, to succeed Hon. C. S. Slatton, resigned. No. 84—Hon. W. L. McConnell, of Taylor County, to succeed Hon. Clem Calhoun, resigned.

**Board of Regents State Teachers  
Colleges.**

W. C. Crane, of Franklin, Texas, to succeed W. H. Frey, deceased.

**Board of Regents of Texas Woman's  
College (C. I. A.)**

S. C. Rowe, of Tarrant County, to succeed C. U. Connellee, deceased.

**State Board of Control.**

Claude D. Teer, of Travis County, to succeed R. B. Walthall. Adrian Pool, of El Paso, Texas, to succeed to the term of Claude D. Teer, who was appointed successor to R. B. Walthall.

**Texas Prison Board.**

Dr. Holman Taylor of Tarrant County, to succeed to the term heretofore held by D. R. Nelson. Mrs. Florence C. Floore of Cleburne, Texas, to succeed Dr. A. C. Scott, resigned. Fred Horton, of Hunt County, to succeed Lee Simmons, re-

signed. W. A. Paddock of Harris County, to succeed to the term heretofore held by Fred Horton. David R. Nelson, of Orange, Texas, to succeed to the term heretofore held by W. A. Paddock.

#### State Board of Health.

Dr. John W. Burns, of Cuero, Texas, to succeed Dr. Joe Gilbert, resigned.

#### State Mining Board.

Eldred McKinnon, Travis County, to succeed W. H. Richardson, resigned. Chas. Bando, of New Castle, Texas, to succeed W. T. Beavers, resigned.

#### Gonzales State Park Commission.

Mrs. Kent E. Gardien, of Gonzales County. Mrs. B. N. Peck, of Gonzales County. Mrs. W. T. Dunning, of Gonzales County.

#### State Highway Commission.

Hon. Cone Johnson, of Smith County, to succeed R. S. Sterling, resigned. D. K. Martin, of Bexar County, to succeed to the term heretofore held by Hon. Cone Johnson.

#### Texas Historical Board.

Dr. Alex Dienst, of Bell County. Dr. E. C. Barker, of Travis County. Mrs. W. R. Potter, of Montague County.

#### Library and Historical Commission.

Miss Laura Aline Hobby of Dallas County.

#### State Board of Barber Examiners.

J. B. Robinson of Dallas County, to succeed to term of Joe Chestnutt, resigned, and term to expire in 1931. Eldon L. Smith of Dallas County, to succeed C. J. Adams, and whose term expires in 1933.

#### Presiding Judges of Administrative Judicial District.

District No. 1—Hon. Joel R. Bond, of Terrell, re-appointed. No. 2—Hon. W. C. Davis, of Bryan, re-appointed. No. 3—Hon. J. D. Moore, of Austin, to succeed Hon. Geo. Calhoun, resigned. No. 7—Hon. W. R. Chapman of Taylor County, re-

appointed. No. 8—Hon. P. A. Martin of Wichita County, re-appointed. No. 9—Hon. Reese Tatum of Dalhart, re-appointed.

#### Board of Regents of Texas College Of Arts and Industries.

Hon. Claude Pollard, of Austin, to succeed Ed Lassiter, deceased.

#### State Board of Education.

Hon. J. O. Guleke, of Potter County, re-appointed. Mrs. J. E. Watkins, of Rusk County, re-appointed. Hon. Frank Baldwin, McLennan County.

#### Advisory Judicial Council.

Hon. James W. McClendon, Chief Justice of the Court of Civil Appeals of the Third Supreme Judicial District, re-appointed. Hon. R. W. Hall, of the Amarillo Court of Civil Appeals, re-appointed. Hon. R. W. Stayton, of Austin, Texas, to succeed Hon. W. E. Orgain, re-appointed. Hon. W. R. Chapman, District Judge at Abilene, re-appointed. Hon. P. A. Martin, District Judge at Wichita Falls, re-appointed.

Respectfully submitted,

DAN MOODY.

Read and referred to Committee on Governor's Nominations.

#### House Bill No. 1.

On motion of Senator Beck, the Senate took up the following bill which was submitted by the Governor, by a four-fifths vote:

H. B. No. 1, A bill to be entitled "An Act repealing Article 6818 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a four-fifths vote.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its second reading by the following vote:

Yeas—25.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cunningham.	Hornsby.
DeBerry.	Loy.
Gainer.	Martin.
Hardin.	Moore.

Neal.	Russek.
Oneal.	Thomason.
Parr.	Stevenson.
Parrish.	Williamson.
Poage.	Woodul.
Purl.	Woodruff.
Rawlings.	

**Absent—Excused**

Cousins.	Pollard.
Greer.	Small.
Patton.	Woodward.

The committee report was adopted.  
The bill was read second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its third reading and final passage, by the following vote:

**Yeas—25.**

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodruff.
Neal.	

**Absent—Excused.**

Cousins.	Pollard.
Greer.	Small.
Patton.	Woodward.

Read third time and finally passed by the following vote:

**Yeas—25.**

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodruff.
Neal.	

**Absent—Excused.**

Cousins.	Pollard.
Greer.	Small.
Patton.	Woodward.

**H. B. No. 19.**

On motion of Senator Beck, the following bill, which was submitted by the Governor, was taken up by a four-fifths vote:

H. B. No. 19, A bill to be entitled "An Act amending Article 6824 of the Revised Civil Statutes of 1925, and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a four-fifths vote.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its second reading by the following vote:

**Yeas—25.**

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodruff.
Neal.	

**Absent—Excused.**

Cousins.	Pollard.
Greer.	Small.
Patton.	Woodward.

The committee report was adopted.

The bill was second time and passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its third reading and final passage, by the following vote:

**Yeas—25.**

Beck.	Hardin.
Berkeley.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.
Gainer.	Loy.

Martin.	Rawlings.
Moore.	Russek.
Neal.	Stevenson.
Oneal.	Thomason.
Parr.	Williamson.
Parrish.	Woodul.
Poage.	Woodruff.
Purl.	

## Absent—Excused.

Cousins.	Pollard.
Greer.	Small.
Patton.	Woodward.

Read third time and finally passed by the following vote:

## Yeas—25.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodul.
Moore.	Woodruff.
Neal.	

## Absent—Excused.

Cousins.	Pollard.
Greer.	Small.
Patton.	Woodward.

## Recess.

On motion of Senator Gainer, the Senate, at 11:55 o'clock a. m., recessed until 3 o'clock p. m.

## After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

## Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. 19.	H. C. R. No. 6.
S. B. No. 12.	H. B. No. 1.
H. C. R. No. 1.	S. B. No. 11.

## Simple Resolution No. 8.

Senator Neal sent up the following resolution:

Whereas, this is the 11th anniversary of the passing of the Eighteenth Amendment, and

Whereas, the people of this State and Nation have been the beneficiaries of untold blessings by reason of this amendment, and

Whereas, The crying need in both State and Nation and the heaviest burden on the heart of the people is the enforcement of the Constitution, both Federal and State, and the laws passed in pursuance thereof, prohibiting the manufacture and sale of intoxicating liquors, underlies and supports all law enforcement; and

Whereas, the patriotic and law abiding men and women of the State and Nation are responsible for the placing upon our Federal and State Statutes this amendment, and

Whereas, the people of this State are looking to the Legislature, as a body of lawmakers and as individuals, to do whatever they can to honor, uphold and observe the Eighteenth Amendment,

Now. Therefore, Be It Resolved, That the Senate of Texas do here and now rededicate itself to the cause of prohibition of the liquor traffic; and

Be It Further Resolved, That it urge the authorities of the Federal Government and of the State Government as well, to leave nothing undone looking to the rigid enforcement of the prohibition laws, and we pledge all aid in our power in bringing about this result.

Be It Also Resolved, That the Secretary of the Senate be directed to transmit a certified copy of this resolution to the President of the United States and to the Governor of this State.

NEAL,	PARRISH,
MOORE,	THOMASON,
BECK,	LOY.
HARDIN,	

The resolution was read.

Senator Parr moved to table the resolution.

On motion of Senator Neal, the resolution was laid on the table subject to call.

## Simple Resolution No. 9.

Senator Gainer sent up the following resolution:

Whereas, the number of journals

provided in the caucus resolution is insufficient to take care of the mailing lists of the members of the Senate.

Therefore, be it resolved by the Senate that 2500 copies of the Senate Daily Journal be printed.

GAINER.

Read and laid on the table subject to call.

#### S. C. R. No. 6.

Senator Purl sent up the following resolution:

Whereas, the Senate and House of Representatives of the 42nd Legislature passed on a concurrent resolution authorizing the appointment of a committee from both Houses to make the necessary preparations for the inauguration of Governor Ross M. Sterling and Lieutenant Governor Edgar E. Witt, and

Whereas, certain expenses will of necessity occur in carrying out this work properly,

Therefore be it resolved by the Senate of Texas, the House concurring that the Committee having this work in charge be authorized to spend not more than \$600 dollars in connection with this work and that whatever debts properly incurred, not exceeding the above amount be paid out of the contingent fund of both Houses of the 42nd Legislature.

Be it Further Resolved, That the Committee appointed to perform this service, furnish the Speaker of the House and the Lieutenant Governor an itemized account of indebtedness incurred, approved by the Chairman of the Committee, before any vouchers are issued.

PURL.

Read and adopted.

#### Adjournment.

On motion of Senator Parr, the Senate, at 3:50 o'clock p. m., adjourned until Monday morning at 10 o'clock.

#### APPENDIX.

##### Committee Reports.

Committee Room,

Austin, Texas, Jan. 16, 1931.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled

"An Act repealing Article 6818 of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1931.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 19, A bill to be entitled "An Act amending Article 6824 of the Revised Civil Statutes of Texas, of 1925, and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

##### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Jan. 16, 1931.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills has carefully examined Senate Bill No. 11 and find the same is correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1931.

Sir: We, your Committee on Enrolled Bills has carefully examined Senate Bill No. 12, and find the same is correctly enrolled.

GREER, Chairman.

#### FIFTH DAY.

Senate Chamber,

Austin, Texas, Jan. 19, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names: